

Department of Early Learning

10.1.3

Compliance Agreement Procedure

Completing the Compliance Agreement

1. The licensor must use form DEL 10.9.1.1 Compliance Agreement to record licensing violations and noncompliance.
2. The licensor must fill in and complete all the information regarding the basic information of the licensed facility and the details of the inspection.
3. The licensor must document the full WAC code number including the subsection and provide a description of each specific WAC noncompliance issue.
 - a. If a compliance agreement is being developed as a result of a valid complaint, no other licensing issues must be present on the compliance agreement.
 - b. If additional noncompliance issues exist at the facility, the licensor must use additional compliance agreement forms.
4. Licensors must ensure that children's names are not recorded on the compliance agreement form.
5. The licensee must enter a written description of specific action plans needed to correct the RCW and/or WAC noncompliance.
 - a. The licensee may request an interpreter free of charge at any time to assist in writing the plan of correction (see Administrative Policy 1.8 Translation/Interpretation Use).
 - b. If the licensee is unable to enter a written description of the plan of correction, the licensee may designate an on-site designee to complete the compliance agreement form on behalf of the licensee, which must be noted on the compliance agreement.
6. The licensor and licensee must agree upon a date each noncompliance issue will be corrected, with a maximum of 90 days from the date of the compliance agreement and not to exceed the license expiration date.
 - a. If there is an immediate health and safety issue, the issue will be corrected immediately or as soon as possible to ensure child safety but no later than 10 business days to ensure child health and safety.
 - b. If a licensee requests more than 90 days to correct a deficiency and the licensor agrees this is a reasonable request, the supervisor will initial the item on the compliance agreement form indicating approval and send a copy of this approval to the licensee within 10 business days.

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7. The compliance agreement form should be completed at the child care facility and the licensor should give a copy of the form to the licensee before leaving the facility. Exceptions may include:
 - a. If the director or designee is off site or unavailable.
 - b. If the licensee is unable to enter a written description of the plan of correction due to limited English proficiency or literacy and there is not on a site designee, if the licensor has not received the compliance agreement within five business days, the licensor should follow up with the licensee.
 - c. Unsafe conditions for the licensor.
8. Once all noncompliance issues are corrected, the licensee will indicate that the issues have been corrected by dating and signing the compliance agreement. The licensee must return the final copy of the form with the date completed section filled out for each noncompliance issue cited. Once all non-compliance issues are corrected, the licensor will review and ensure that the compliance agreement is completed correctly and signed and dated by the licensee.

Monitoring the Compliance Agreement

9. The licensor must monitor the compliance agreement based on the nature and severity of WAC violations.
10. The licensor must make a site visit to verify correction of licensing non-compliance that could immediately impact the health, safety and well-being of children in care. Examples may include but are not limited to:
 - a. Health and Safety hazards
 - b. Behavior management
 - c. Supervision
 - d. Staff/child interaction
 - e. Group size/Capacity
 - f. Medication management
 - g. Nap and Sleep equipment to include SIDS prevention
11. The licensor must conduct the follow up within 10 business days of the completion of the compliance agreement when issues are related to health and safety concerns.
12. If the noncompliance issues do not immediately impact the health, safety and well-being of children in care, written verification in lieu of a site visit may be used to verify compliance. Examples may included include but are not limited to:
 - a. Menu posting
 - b. Documentation of activity program
 - c. Supplies verified with receipt
 - d. Changes to parent communication
 - e. Staff development and training records
 - f. Health Care Plan
 - g. Fire Drill record

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13. Licensors must initiate a provider action and create the provider note in FamLink within five business days and note if a compliance agreement was developed. In addition, the licensor must document the following in FamLink :
 - a. Provider action, selecting the correct WAC infraction in the drop down list.
 - i. If the compliance agreement is related to a complaint, select valid or not valid.
 - b. Issue detail – issue, documenting licensor statement from the compliance agreement.
 - c. Issue detail – resolution, documenting a short summary of the provider statement from the compliance agreement.
 - d. Issue detail – completion, documenting a summary of what the provider completed.